

### III. REMARKS

1. Claims 1-13, 15, 16, 20-25, 27-32, 34, 35, 37, 38, 45-51 and 53 are not anticipated by Brenner et al. ("Brenner")(US Pat. Pub. 2004/0139842) under 35 USC §102(e).

Claim 1 is amended to include subject matter from dependent claims 2 and 15 to further clarify the features of the claim. The other independent claims have been similarly amended. The amendments to the claims should not require any additional consideration and/or search and should place the claims in a condition for allowance.

Brenner does not disclose or suggest at least the feature claimed by Applicant that the first type message includes information for "notes to be played" **and** that the second type message includes information to "activate the lights" based on the first type message. Commands are received 400 and/or executed from an audio file and are associated with an instrument definition. (Para. 0038). The value of the instrument definition defined in the received command is compared with the instrument definition of the light groups. A determination is made 420 as to whether the received command is assigned to a light group or an instrument for audio playback. (Para. 0039). Depending upon this determination, either an "audible output" is produced or an "illumination of the light groupings is controlled 430." Thus, in Brenner, **either** an audible output is produced **or** an illumination of light groupings is produced, not both as is claimed by Applicant. Applicant's claims recite that **both** sound and light are produced from a single command (see e.g. FIG. 5). As recited in claim 1, the "first type message" includes information for "notes to be played" and the information in the second type message will "activate the lights" based on the information in the first type message. This is not disclosed or suggested by Brenner. Therefore, at least this feature recited by Applicant in the claims is not anticipated.

Brenner also does not disclose or suggest first type messages containing "information for notes to be played" where the lights are activated from information in the second type messages, as the second type messages map activation of the lights to the "notes in the first type message" as is recited in the claims. Rather, Brenner defines instruments that are then used to show light. In Brenner, although a light source is mapped to a channel, this is done by assigning an "instrument definition" to each light grouping. (See para. 0011). In Brenner, each light grouping is associated with an "instrument definition" in an "audio file format." (para 0025). The "instrument definitions" are associated with patch numbers, which are arranged in banks. A bank can be associated with a lighting group. (Para. 0026). The "instrument definitions" are assigned to each "light grouping." (Para. 0038). "Commands" are received for the "instrument definitions." The illumination of the light sources within the groups is "controlled" by the commands for the "instrument definition." In Brenner, a "note" is initiated on an "instrument definition corresponding to a lighting group." (para. 0027). Thus, Brenner requires that a special musical instrument be created to be used as a light source, which enables light data to be inputted in the same manner as musical data. As noted in Brenner, the lighting effects are mapped to the audio commands and the mapped lighting effects are included in the form of existing audio commands in an audio file format.

However, Applicant's claimed subject matter states that the first type information contains information for notes to be played and the second type messages maps the activation of the lights to the "notes." Applicant specifically notes that the arrangement of Brenner is to be avoided as such an arrangement requires extensive knowledge of the system, and requires that the different systems are compatible with each other. As stated on page 4 of Applicant's specification, using the "second type message for mapping the activation of the lights to the first type messages allows the lights to be activated in a versatile way, without need to define the lights as new instruments in the music data standard. By specifying music files for a particular type of terminal,

differences in light arrangements between terminal models can be handled by music files being provided with second type messages with different mapping information. The mapping information may relate to the location, color and intensity of the lights. Recognizable patterns may be mapped to the playing of a note."

However, in Brenner, "instrument definitions" are assigned to each light grouping. (para. 0011). The "commands" are received for the "instrument definitions" that have been created and assigned. Brenner requires the additional effort of creating the "instrument definitions." There is no mapping of the light activation to the notes, using the second type messages, as is recited by Applicant in the claims. Further, as defined in Applicant's specification, the mapping reduces the number of available notes to the number of available light locations. Brenner makes no such disclosure.

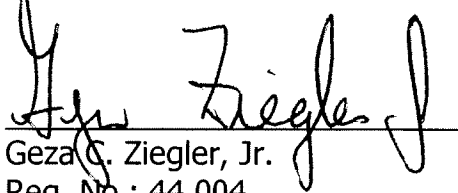
As discussed by Applicant with reference to EP 1255418, beginning on page 2 of Applicant's specification, the lights are implemented as "instruments." However, similar to what is disclosed by Brenner, the "instruments" are not lights as is recited by Applicant in the claims. Applicant's claimed subject matter does not require the lights to be defined as an instrument as is the case in Brenner. The activation of the lights is note controlled. (See e.g. pages 6-7 of Applicant's specification.)

Thus, each and every element recited in claims 1 is not disclosed or suggested by Applicant. Therefore, it is submitted that claim 1, the other independent claims and the claims that depend therefrom, are not, and cannot be, anticipated by Brenner.

2. Claims 14, 17-19, 26, 33, 36, 39-44 and 52 are not unpatentable over Brenner under 35 USC §103(a) at least by reason of their respective dependencies.

Therefore, in view of the foregoing, it is respectfully submitted that the claims are in a condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Geza Ziegler, Jr.", written over a horizontal line.

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